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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Chris Nunez

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EXAMINER

WU, YICUN

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Period for Reply

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/23/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

III. DETAILED ACTION

1. Claims 1-11 and 14-24 are presented for examination.

Claim Rejections - 35 USC 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

2. Claims 1-11 and 14-24 are rejected under 35 U.S.C. 101 because the claims are directed to a non-statutory subject matter, specifically, the claims are not directed towards the final result that is “useful, tangible and concrete (See State Street, 149 F.3d at 1373-74 USPQ2d at 1601-02).

According to the New Guidelines of October 26, 2005, which states that “A claim limited to a machine or manufacture, which has a practical application, is statutory. In most cases a claim to a specific machine or manufacture will have a practical application. See Alappat, 33 F.3d at 1544, 31 USPQ2d at 1557)... a specific machine to produce a useful, concrete, and tangible result (State Street, 149 F.3d at 1373-74 USPQ2d at 1601-02).

Examiner requests Applicant to include in Applicant’s claimed limitations (in all the claims) the following: *Claim limitation describing --*

1. *What is the practical application?*

2. *What is final result which Applicant considers concrete, useful and tangible?*

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Because the “practical application, result, concrete, useful and tangible” limitations are not claimed in Applicant’s claims, Examiner asserts that the above listed claims are nonstatutory.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 and 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gusack (U.S. Patent 6,356,897) in view of Kessenich et al. (U.S. Patent 6,292,802).

As to Claim 1, Gusack discloses a keyword associated with data contained in a file storage system, comprising:

a parameter comprising a first portion of the keyword, the parameter identifying the data, the parameter describing an attribute of the data (Gusack Fig. 15 and Col. 19, lines 28-59); and

a second portion of the keyword, being upon the data (Gusack Fig. 15 and Col. 19, lines 28-59).

Gusack does not explicitly teach parameter value.

Kessenich et al. teaches parameter value (Kessenich et al. Col. 13, lines 2-33).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gusack to include parameter value.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gusack by the teaching of Kessenich et al. to include parameter value with the motivation to more efficiently, indexed search capability to rapidly locate arbitrary text in a large document or collection of documents as taught by Kessenich et al. (Col. 3 lines 3-6).

As to claim 2 Gusack as modified teaches:

wherein the parameter is user-defined (Gusack Fig. 15-17 and Col. 19, lines 28-59).

As to claim 3 Gusack as modified teaches:

wherein the parameter and the parameter value are linked as a contiguous text string (Gusack Fig. 15 and Col. 19, lines 28-59).

As to claim 4 Gusack as modified teaches:

wherein the parameter further comprises a units designator, the units designator comprising a portion of the parameter, the units designator indicating the units of measurement for the parameter value (Gusack Fig. 15-17 and Col. 19, lines 28-59).

As to claim 5 Gusack as modified teaches

a pointer (i.e. link Gusack Fig. 15-17 and Col. 19, lines 2-59), the pointer comprising a third portion of the keyword, the pointer pointing of the data (Gusack Fig. 15-17 and Col. 19, lines 28-59).

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As to claim 6 Gusack as modified teaches:

a plurality of keywords (Gusack Fig. 15-17 and Col. 19, lines 28-59), the plurality of keywords begin an index of the data pointed to by one or more pointers contained within at least one of the plurality of keywords (i.e. index. Gusack Fig. 15-17 and Col. 19, lines 28-59).

As to claim 7 Gusack as modified teaches:

wherein the data contained in the file storage system is semi-structured data (i.e. Hypertext. Gusack Fig. 15-17 and Col. 19, lines 28-59).

As to claim 8, Gusack as modified teaches

wherein the data contained in the file storage system is hypertext data (i.e. Hypertext. Gusack Fig. 15-17 and Col. 19, lines 28-59).

As to claim 9 Gusack as modified teaches

wherein the data contained in the file storage system is unstructured data (Gusack Fig. 15-17 and Col. 19, lines 28-59).

As to claim 10 Gusack as modified teaches

wherein the data contained in the file storage system is text data (i.e. Hypertext. Gusack Fig. 15-17 and Col. 19, lines 28-59).

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As to claim 11 Gusack as modified teaches

wherein the keyword is a first keyword (Gusack Fig. 15-17 and Col. 19, lines 28-59), the data contained in the file storage system is first data contained in the file storage system and the parameter is a first parameter (Gusack Fig. 15-17 and Col. 19, lines 28-59), further comprising a second keyword (Gusack Fig. 15-17 and Col. 19, lines 28-59), the second keyword associated with second data contained in the file storage system(Gusack Fig. 15-17 and Col. 19, lines 28-59), the second keyword having a second parameter (Gusack Fig. 15-17 and Col. 19, lines 28-59), the second parameter not being a parameter of the first data contained in the file storage system (Gusack Fig. 15-17 and Col. 19, lines 28-59).

As to claim 14 Gusack as modified teaches a file storage system having an index of keywords, each keyword having a parameter and a parameter value (Kessenich et al. Col. 13, lines 2-33), a method of searching for data, comprising:

receiving a search criterion (i.e. search. Gusack Fig. 15-17 and Col. 20, lines 1-20),
comparing (i.e. matching Gusack Fig. 15-17 and Col. 20, lines 1-20)the search criterion with the keywords in the index (Gusack Fig. 15-17 and Col. 19, lines 28-59), and
presenting the results from the comparing step (Gusack Fig. 15-17 and Col. 20, lines 2-20).

As to claim 15 Gusack as modified teaches a method, wherein the search criterion further comprises

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any combination of one or more members of the group of: a search criterion parameter, a search criterion parameter value, or a units designator for a search criterion parameter value (Gusack Fig. 15-17 and Col. 20, lines 2-20);

the search criterion parameter comprising a member of a set of all the parameters defined in the data contained in the file storage system (Gusack Fig. 15-17 and Col. 20, lines 2-20), the units designator indicating the units of measurement for the search criterion parameter value (Gusack Fig. 15-17 and Col. 20, lines 2-20).

As to claim 15 Gusack as modified teaches a method wherein comparing the search criterion with the keyword further comprises:

representing the search criterion as a contiguous text string (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29), and

comparing the contiguous text string with the keyword, using Boolean logic (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

As to claim 16 Gusack as modified teaches a method, wherein the search criterion further comprises

a parameter value for the parameter, the parameter value being based upon the data referred to by the parameter (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

As to claim 17 Gusack as modified teaches a method wherein the keyword further comprises

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a units designator for the parameter value, the units designator indicating the units of measurement for the parameter value (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

As to claim 19 Gusack as modified teaches a method wherein the data contained in the file storage system is semi-structured data (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

As to claim 20 Gusack as modified teaches a method wherein the data contained in the file storage system is hypertext data (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

As to claim 21 Gusack as modified teaches a method wherein the data contained in the file storage system is unstructured data (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

As to claim 22 Gusack as modified teaches a method , wherein the data contained in the file storage system is text data (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

As to claim 23 Gusack as modified teaches a method wherein the parameter is user-defined (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

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As to claim 24 Gusack as modified teaches 24. The method of claim 14, wherein the keyword is a first keyword, the data contained in the file storage system is first data contained in the file storage system and the parameter is a first parameter (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29), further comprising a second keyword, the second keyword associated with second data contained in the file storage system, the second keyword having a second parameter (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29), the second parameter not being a parameter of the first data contained in the file storage system (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yicun Wu whose telephone number is 571-272-4087. The examiner can normally be reached on 8:00 am to 4:30 pm, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.



Yicun Wu
Patent Examiner
Technology Center 2100

June 14, 2006